



No. 91-7604

**IN THE
Supreme Court of the United States**

October Term, 1992

JEFFREY ANTOINE,

Petitioner,

v.

BYERS & ANDERSON, INC., AND
SHANNA RUGGENBERG,

Respondents.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RESPONDENT RUGGENBERG'S
OPPOSITION TO MOTIONS FOR
LEAVE TO FILE BRIEFS OF *AMICI CURIAE*

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Respondent respectfully objects to the Motion for Leave to File a Brief of *Amici Curiae* filed in support of Petitioner by The National Association of Criminal Defense Lawyers, the National Legal Aid and Defender Association, and the Alliance for Justice.

In addition, Respondent respectfully objects to the Motion for Leave to File a Brief of *Amicus Curiae* filed in support of Petitioner by Johnathan and Karen Scott.

1. **The *Amici Curiae* Brief Filed by the National Association of Criminal Defense Lawyers, the National Legal Aid and Defender Association and the Alliance for Justice Only Repeats the Arguments Made in the Petitioner's Brief.**

Respondent's objection is based in part on Supreme Court Rule 37.4 which provides that a motion to file an *amicus* brief "shall . . . set forth facts or questions of law that have not been, or reasons for believing that they will not be, presented by the parties and their relevancy to the disposition of the case." The Motion For Leave To File Brief Of *Amici Curiae* violates Rule 37.4 as it fails to set forth any facts or questions of law that are not, or will not be, presented in the Brief of Petitioner.

More significantly, the proposed Brief of *Amici Curiae* is not of substantial assistance to the Court. According to Supreme Court Rule 37.1, an *amicus curiae* brief is helpful to the Court when it "brings relevant matter to the attention of the Court that has not already been brought to its attention by the parties. . . ." The legal arguments presented in the Brief of *Amici Curiae* are essentially identical to the legal arguments presented in the Brief of Petitioner. Nothing new or different is presented.

The following section by section comparison between the Brief of *Amici Curiae* and the Brief of Petitioner highlights the fact that the Brief of *Amici Curiae* presents little matter that is not already presented in the Brief of Petitioner:

Brief of <i>Amici Curiae</i> Section	Brief of Petitioner Corresponding Pages
I.A	14-17
I.B	17-21
II.A	31-35
II.B	22-24
III.A	26-29
III.B	30-31

Presentation of the same arguments is not helpful to the Court. The Brief of *Amici Curiae* does nothing but burden the staff and facilities of the Court and should not be considered.

2. **The *Amicus Curiae* Brief Filed by Johnathan and Karen Scott Is Beyond the Scope of the Legal Issue Accepted for Review by this Court.**

Respondent's objection to the *Amicus Curiae* brief filed by Johnathan and Karen Scott is based on Supreme Court Rule 37.1 which requires that an *amicus curiae* brief only bring "relevant matter to the attention of the Court" The brief does not present relevant matter because it argues legal issues not accepted for review by this Court.

Petitioner Antoine's petition for writ of certiorari presented the Court with the following question: "Whether the court of appeals erred in rejecting the decisions of other circuits and granting absolute, rather than qualified, immunity for a **court reporter** (emphasis added), even for conduct in violation of numerous court orders and statutory duties?" This issue and no other was accepted for review by the Court.

However, the proposed brief of *Amicus Curiae* does not address this issue. Rather, the brief is an attempt to have the Court decide whether immunity granted to a court reporter should be extended to the court reporter's employer. That is not the question before the Court.

The Brief of *Amicus Curiae* does nothing but burden the staff and facilities of the Court and should not be considered.

Respectfully submitted,



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